RECENT IMPORTANT DECISIONS

ATTACHMENT—ALIAS WRIT—COLLATERAL ATTACK.—One T. commenced attachment proceedings against D., a writ being issued and delivered to the Sheriff and returned by him. Later an alias writ of attachment issued against other property, no new affidavit or bond being given. The property attached under the alias writ was sold in February, 1899. In December, 1900, D. conveyed an undivided one-half interest in the property sold under the alias writ to one Childers, who with D. now brings an action to recover the property sold. *Held,* that there is no authority in this territory for issuing an alias writ of attachment, and the levy on property under such a writ gives the court no jurisdiction over such property. *Dye et al.* v. *Crary* (1904), — N. M. —, 78 Pac. Rep. 533.

The court issuing the alias writ of attachment was one of general jurisdiction, but the statute does not in express terms authorize an alias writ. The courts of the various states which have passed on the subject hold divergent views as to the issuing of alias writs of attachment when not provided for by statute, but the weight of authority seems to be in favor of the issuance of such writs. It is difficult to see why they should not issue in some cases, as, when the first writ has expired without being served or when it has been lost by the officer before being returned or when additional property belonging to the debtor has been discovered after the service of the first writ. *Elliott* v. *Stevens,* 10 Iowa 418. Contra, *Dennison* v. *Blumenthal,* 37 Ill. Ap. 385. The dissenting opinion of MILLS, C. J., was based on the ground that the granting of the alias writ of attachment was a matter of procedure and the validity of its issue could not be questioned collaterally. The question is a disputed one; many courts holding that defects in following prescribed forms are jurisdictional and sufficient to reverse the judgment in another suit. *Greenvault* v. *Farmers and Mechanics Bank,* 2 Doug. (Mich.) 498; *Heard* v. *National Bank* (1901), 114 Ga. 291. The Supreme Court of the United States holds that such irregularities cannot be questioned in a collateral attack. *Voorhees* v. *U. S. Bank,* 10 Pet. 449; *Cooper* v. *Reynolds,* 77 U. S. 308; *Needham* v. *Wilson,* 47 Fed. Rep. 97; *Darnell* v. *Mack,* 46 Neb. 740. The general principles underlying this question are discussed in an article by J. R. Rood in 1 MICH. LAW REV., 645.

ATTORNEYS—DISBARMENT—MALFEASANCE IN OFFICE.—A. was the district attorney of the Sixth Judicial District of Colorado. Charges were brought against him that he had demanded and received money to refrain from prosecuting certain persons who had violated the laws of the state. The defendant failed to appear and the charges were established by the evidence taken. *Held,* that A.'s name should be stricken from the roll of attorneys of the state of Colorado. *People ex rel. Colorado Bar Ass'n.* v. *Anglim* (1904), — Colo. —, 78 Pac. Rep. 687.

The right to disbar an attorney arises out of the fact that he is an officer of the court and amenable thereto. In general, dishonest professional con-